

3 FAM 3440 MILITARY LEAVE

3 FAM 3441 AUTHORITY

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

—5 U.S.C. 6323.

3 FAM 3442 GENERAL

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

a. All career employees and limited appointees whose appointments are for one year or more are entitled to military leave, if otherwise eligible, when official orders are presented to the approving officer. Temporary employees and employees not on a fixed tour of duty are not eligible for military leave. Employees who are members of the:

—The Army National Guard of the United States;

—The Army Reserve;

—The Naval Reserve;

—The Marine Corps Reserve;

—The Air National Guard of the United States;

—The Air Force Reserve; and

—The Coast Guard Reserve

must be granted military leave not to exceed 15 calendar days, plus up to 15 days of additional military leave which may be carried over from the preceding fiscal year, without loss of pay, time, or efficiency rating for active duty or engaging in field or coast defense training. But, this leave is not to exceed a total of 30 calendar days in one fiscal year.

b. Military leave with pay is also authorized for employees who are members of the National Guard of the District of Columbia for all days (without limit) of parade or encampment ordered or authorized under title 39, District of Columbia Code.

c. Employees ordered to extended active duty for general service with the Armed Forces shall be placed on military furlough.

3 FAM 3443 TYPES OF MILITARY DUTY NOT COVERED

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

Employees are not eligible for military leave for the following types of service:

- (1) Summer training as members of the Reserve Officer Training Corps, when employee must be carried in leave-without-pay status.
- (2) Temporary Coast Guard Reserve;
- (3) Participation in parades by members of the State National Guard;
- (4) Training with a State defense organization or a State military organization which is not a part of the National Guard, or any other organization created by the State in the absence of the State National Guard during an emergency;
- (5) Weekly drills and meetings as members of DC National Guard;
- (6) Civil Air Patrol--established as a civilian auxiliary of the United States Air Force;
- (7) Time taken on a workday to travel to the place where the training is to begin must be charged to annual leave or leave without pay unless military training orders encompass the period of travel time required; or
- (8) Active duty as a commissioned officer in the Reserve Corps of the U.S. Public Health Service.

3 FAM 3444 COMPUTATION OF MILITARY LEAVE

3 FAM 3444.1 General

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

a. Military leave may be taken intermittently, a day at a time, or as otherwise directed under orders issued by competent military authority. Non workdays falling within a period of absence on military training are charged against the military leave allowed during the fiscal year; however, non workdays occurring at the beginning or end of the training period are not charged.

b. Generally, if a training period extends beyond 90 calendar days, the employee will be placed on military furlough, or separated for military service.

3 FAM 3443.2 Absences in Excess of Allowable Days

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

Absence which is not chargeable to military leave may be charged to annual leave. Therefore, employee members of the Reserve components of the Armed Forces who are called for a period of training or for a period of active duty beyond the allowable period chargeable to military leave may receive compensation concurrently with pay and allowances for training or active duty beyond such allowable period.

3 FAM 3444.3 Prohibition Against Active Civilian Employment

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

National Guard members who are ordered into the active military service of the United States with the pay and allowances of their grades, may not be employed during the period of such service in an active civilian capacity under the Government and receive pay therefore in the absence of specific statutory authority.

However, these Guard members may be carried in a military leave status, provided such leave has not been used previously during the current fiscal year. Also, they may be carried in an annual leave status to the extent of their accrued annual leave during the period of their active military service.

3 FAM 3444.4 Overtime and Night-Differential Pay

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

An employee on military leave, who is absent on an overtime day on which the employee is regularly scheduled to work, is entitled to overtime compensation for that day, provided the employee otherwise would be eligible for such premium pay because the overtime period would be either in excess of the 40-hour work week or in excess of eight hours in a day. When an employee's tour of duty permits payment of night differential pay, the employee is entitled to night differential pay during military leave.

3 FAM 3445 REQUESTING AND GRANTING MILITARY LEAVE

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

- a. The employee must submit a written request for military leave and a copy of the orders to the leave approving officer.
- b. The employee shall request any leave of absence in addition to military leave as prescribed in accordance with the regulations governing annual leave or leave without pay.
- c. Officers authorized to grant annual leave may grant military leave to employees overseas. In the U.S., military leave is granted by the appropriate headquarters personnel office.

3 FAM 3446 COMPENSATION AND TRAVEL EXPENSES

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

While on military leave and annual leave granted for military training purposes, Foreign Service employees may be paid salary, differential, and allowances in accordance with pertinent regulations, even though they may also be compensated from appropriations of the Armed Forces during the period of training. No travel expenses or transit time are allowable in connection with leave for training in the Armed Forces.

3 FAM 3447 PROCEDURES AND GUIDELINES

(TL:PER-258; 4-10-95)

(Uniform State/USAID/USIA/Commerce/Foreign Service Corps-USDA)

(Applies to Foreign Service & Civil Service Employees)

See 3 FAH-1 H-3440.

3 FAM 3448 THROUGH 3449 UNASSIGNED